

REMARKS

Claims 1-18 are currently pending in this application, with claims 1, 4, 12, 15 and 18 being independent. Claims 1-3 and 12-14 have been withdrawn from consideration based upon Applicants' response to a restriction requirement filed September 17, 2004. Claims 4, and 15-17 have been amended to better define the present invention.

Claim Rejections – 35 U.S.C. §112

The Office Action indicated that claims 16 and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. Specifically, the Examiner indicated that "the depth measuring apparatus" in line 1 of both claims 16 and 17 lack sufficient antecedent basis. Accordingly, Applicants have amended these claims to address the 112, second paragraph, rejection and not to narrow the claims' existing scope for reasons of patentability.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Additionally, the Examiner indicated that claim 18 is allowed. Applicants wish to thank the Examiner for the indication of allowable subject matter.

Claim Rejections – 35 U.S.C. §102

The Office Action indicated that claims 4, 6, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,428,341 to ("Takahashi"). Applicants respectfully traverse the rejection and submit the Examiner has failed to establish a *prima facie* case of anticipation.

Takahashi merely discloses a fire receiver which can quickly set the address of a fire detector or a line and which may be subjected to a fire test (col. 2, lines 12-17). The fire receiver comprises a display unit 1, a CPU 2 for controlling the operation of receiver, a ROM 3 for storing programs executed by CPU 2, RAM 4 for use as working space and a transmitting/receiving circuit 5 for transmitting/receiving signals to and from a fire detector or the like through a line connected to the receiver. (See col. 3, lines 22-32; Fig. 1). Specifically, *Takahashi* discloses where the CPU makes a determination whether or not a fire signal is present, and if no fire signal is present, a backlight 32 remains off (col. 26-35; Fig. 8). If the CPU determines that a fire signal is present, the backlight 32 is turned on indicating a fire outbreak (col. 12, lines 38-41; Fig. 9). Additionally, *Takahashi* discloses another embodiment, wherein, if CPU determines no fire signal is present, the level of the signal for displaying the CRT 41 is lowered (col. 13, lines 49-55; Figs. 11 and 12). If a fire signal is present, the level of the signal to be supplied to the CRT 41 is raised to realize a normal state and indicate the outbreak of a fire (col. 13, lines 55-61).

Conversely, *Takahashi* fails to disclose, at least, "a display instrument for having a display screen for displaying a predetermined image and an alarm in an emergency, wherein the alarm is based upon water depth," as recited in claims 4 and 15.

Takahashi is distinguished by the present invention in that *Takahashi* teaches

varying states of a display based upon conditions relating to a fire. *Takahashi* fails to disclose providing alarm indicators for “an emergency, wherein the alarm is based upon water depth.” Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 4 and 15. Claim 6 depends from claim 4 and is allowable at least by virtue of its dependency from allowable claim 4.

Claim Rejections – 35 U.S.C. §103

The Office Action indicated that claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Takahashi* in view of US Patent No. 5,737,246 to *Furukawa* et al. (“*Furukawa*”). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse this rejection.

Furukawa merely discloses a depth measurement device suitable for use in a dive watch (abstract). Specifically, *Furukawa* discloses an electronic wristwatch having a water depth measuring capability having a display screen made of a liquid crystal display. The display screen is divided into a graphic display area 4B on its upper half for presenting depth image change recording as a function of elapsed time, a display area 4C on its lower half for presenting alternately time and water depth, and a display area 4D on its right-hand side. The display area 4D indicates a depths variation along with a direction of variation. (see col. 10, lines 14-27). *Furukawa* further discloses a comparator circuit 72, which determines when a computer water depth is greater than a predetermined water depth value. When the comparator circuit 72 determines this affirmatively, an output control circuit 73 is made operative by the output comparator circuit 22 to provide an alarm. The output control circuit 73 sends an alarm generation command signal to an alarm output

circuit 20. Upon receiving the alarm generation command signal, the alarm output circuit 20 operates, giving an alarm sound from a loudspeaker 7. (see col. 14, lines 44-60; Fig. 7.) Furthermore, a display control circuit 19 connected to the output control circuit 73 is operative to allow the water depth value display to flash in synchronism with the generation of the alarm on the LCD panel 4. (see col. 14, lines 61-64.)

Furukawa thus fails to cure the deficiencies of *Takahashi* as provided above in the arguments for the allowability of claims 4 and 15. Because claim 5 depends from claim 4 and includes all the recitations recited therein. Neither *Furukawa* nor *Takahashi* teach or suggest, at least, a display instrument having a display screen for displaying a predetermined image and an alarm in an emergency, wherein the emergency is based upon water depth," as recited in claim 4.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Michael R. Cammarata

Reg. No. 39,491

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JAV
MRC/JAV:tm
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